CRIMINAL **COURT GIVES** 5 OPINIONS

MERE BOY, CONVICTED OF MANSLAUGHTER, GETS NEW TRIAL

IMPORTANT OPINION IN MANDAMUS CASE

Action Otherwise Would Have Set at Liberty Hundreds of Prisoners

The Criminal Court of Appeals met this afternoon at two o'clock and handed sown five important opinions, presiding Judge Henry M. Futuran and Judge H. H. Baker rendering two each and Judge Doyle one.

Perhaps the most important is the mandamus case passed upon by Judge H. G. Baker. The suit is an action brought by Brunner Sims against District Judge John Caruthers for a writ of mandamus to arscharge him from costedy of the sheriff on the grounds that he had not been tried within the statutory geriod. He is charged with assault with intent to kill. The signifiance of the opinion is that had the court sustained the writ it would have liberated an untold number of prisoners in the indian Territory side of the state is there were numbereds of cases turned over to the district courts which were on the Federal court dockets on which the statutory limit has expired in amost every in-

The scallagus of the opinion follows 1. A peremptory writ ofmandamus will be denied where the petitioner has a plain and alequate remedy lu the ordinary churse of the law.

2. The law in force in the Indian

Territory at the time the indictment was returned against the accused shall govern the trial and disposition

3. The provisions of the Sixth amendment to the Constitution of the United States, guaranteeing the accused a speedy, public trial, were applicable to the Indian Territory.

4. The writ of mandamus is a propcriminal action where the right to a speedy trial has been denied, in cases 5. No ex post facro law will be enforced against the accused which would in any way be projected.

als rights. 6. In mandamus proceedings to enforce a private right, the real party in interest should be named as plaintiff, and such proceedings should not be entitled in the name of the state on the relation of such party.
7. Whenever congress, in legislating

for the Iulian Territory, borrowed from the statutes of a state, provisions which had received in such state, a courts over which such tegislation ex-

tions, proceedings of law, free from cent, where his parents reside.

officers of the state or county, upon whom devolves the duty of the propai cases: and unless good cause to the contrary is shown, every person indicted for crime under the law in force in the Indian Territory prior to statehood, is entitled to be tried before the end of the third term of the court, in which the indictment is pend-ing, held after the return of the inlictment, unless the delay bappens on he application of the accused. Boy Gets New Trial.

In an opinion by Judge Baker two years penitentiary sentence imposed by the trial upon Arthur Hinsley, aged 12, is reversed. Hinsley was tried and convicted at Durant in 1906 on the charge of manslaughter. He had killed Charles Swartz, his playmate while out hunting. He first entered a plea of no guilty when the cause was brought for trial and denied any knowledge of the alleged crime. Latr he confessed and told the story of the happening.

the grounds that there was no compe ent evidence to support the Indict cent and that the act was a misa enture rather than a felonlous crims The evidence in the case showed that the hamiger of the gun had caught in young Hirsley's clothing causing the discharge of the gun. The parents of the boy now reside at Caddo, Okla. Syllabus by the Court.

A new trial will not be granted for insufficiency of the evidence, or where the evidence is conflicting, or because the verdict is contrary to the evidence; these questions being within the discretion of the trial cour? its decision will not be disturbed on appeal, unless it appears that the trial court abused its discretion outbing these matters.

Continued on page 6.

WERE FATAL

Kenyon Davidson, the young man aho fell from the Convention hall ome Tuesday morning, died at the Methodist hospital yesterday afternoon at four o'clock. He took a sudden change for the worse at three o'clock and slowly passed away, never egaining conclousness from the time of the accident. The remains were taken to the First Baptist church last evening where they lay in state over wight. Funeral services were conduc-2:30, Rev. E. D. Cameron, officiating. The Manhattan Construction comany, which is erecting the building

closed down work this afternoon out of respect to the deceased and to enable his fellow employees to attend the services. The tinners working on the nall acted as pall-bearers. Interment was unde in Summit View

The deceased leaves a mother and

Three serious accidents in the past three days break the record. morning at eight-thirty o clock at the Gatarie Sheet Metal Manufacturing company works on North First street known, defined and settled construct a pitch put exploded while Orlie Helston before such act of congress was er, aged 17, was pouring some paint. passed, that construction should be into the boiling pitch. Helser ducked deemed to have been adopted by the his head, closed his eyes and darted way none too quick, as the flame tended; and the provisions of such burnt both of his hands and wrist raw should be construct as they and came very close to getting into were understood at the time in the his right eye. The flesh was burnt of state from which the same were bor, of his lips and the entire rightside of his face and neck. His eyebrows were 8. By a speedy trial, as provided for bally singed. He was taken to Dr. E by Sections 2192 and 2193 of Mans- G. Sharp's office where his borns were field's Digest of the Laws of the State quickly dressed. Aside from much of Kansas is meant a trial conducted pain he is getting along alcely this af according to the fixed rules, regula- tornoon. Helser came here from Cresverations capricious, and causeless September, and has been employed a delays, caused or brought about by the the Guthrie Metal works ever since.

BOARD'S FIRST DISSENTING VOTE

an order was recorded this morning Chairman Love Has Other Duties. when Chairman Jack Love and Col. J.

ter or separate depots. Petitions were died with the commission by the dif-ferent factions, one wing for a union Compiling Telephone Data.

Geo. P. Pinyer, telephone expert

the same station, the Frisco has a 127 the telephone companies operat-separate denot and the Burtlesville int in the state, as provided by law, branch of the Samia We also has a 153 report will be a valuable document

The first dissenting vote in the ac- of the citizens of Tulan are in favor

Chalrman Jack Love announced to McAlester voted for separate depot day that he would be unable to accom facilities for the five railrow's at Tul- pany Commissioner Watson on the sa, while Commissioner Watson voted inspection trip through the McAlester a union station and refused to coal fields next week on account of yield to the other two commissioners. the many important orders now be-He explains that he is for a union fore the commission for consideration. depot in every town in the state where | Carirman Love will hold court at Bart-it is practicable. | Carirman Love will hold court at Bart-leaville, next. Tuesday to take rest. The "Kaly" lepot at Tulsa was dest mony in the complaint find by citi. The increase in toll revenues and prayed for by the Farmers Mutani trayed by fire several months ago and, sens of distriction against the Santakows 1968 over 1967 is given in the Telephone company, of Okeene, with whether a union station would be better that both the freight and passenger manger evenue, \$557,856.42; total revenue, and Yukon mission today granting the relief prayed for by the Farmers Mutani Telephone company, of Okeene, with the people of that place are divided. Fe railroad. The complaints allege statement at \$128,8334.9; in extension would be better that both the freight and passenger manger evenue, \$557,856.42; total revenue, and Yukon mission today granting the relief depor facilities there are wholly

for the Commission is engaged in mak- as follows: The flanta Pe & Milland Valley use ing extensive preparations for appraiseparate depot.

Commissioner Watson claims that cost of maintainee, operating expresses the traveling public and the carparity and the earnings of each company.

COMPANY

FIRST TO FILE REPORT WITH STATE CORPORA-TION BOARD

VOLUMINOUS STATEMENT COVERS MANY PAGES

List of Stockholders Submitted PRESENT Discloses Number of Oklanoma Names

The Ploneer Telephone and Telecraph company filed today with the Mr. Donaghe is of the same name or poration commission answers to as the newly elected governor of Ardghty-aix questions submitted by tenry Willmering, rate expert of the Di. Snow is one of the best known ommission in regard to their compa- men of "the pill case" on the East y report for the fiscal year ending side, uly 1, 1908. The answers make 250 dutely typewritten pages, the answer question alone requiring 136 spewritten pages. The legal and au-Company have been working for conths to get this report out.

Under the Oklahoma constitution ill public service corporations must nake such statements and answer ach questions relative to their affairs as the commission may deem necessa These reports are made and subscribed to by the corporation under onth. The Pioneer company's report is the first to be filed with the con-

The answers to questions as to own rahlp discloses that it is a corpora ion and that the American Telepo and Telegraph company of 125 Milk treet, Boston, owns 20,220 shares, at par value of \$100 a share, out of the 24,623 shares in the corporation. he A. T. & T. Co. is one of the argest so-called trust companies of watch and other valuables, and rating in the East. The other large prostrate upon the ground, R tockholders are;

Aingusher, 200 shares; J. M. Noble, last evening, near the depot. Frence, Ekiahoma City, 296 shares; E. E. Westis surfously injured. The robber ervett, Oklahoma City, 296 snares; escaped. 47 shares; J. N. Coulter, Pawhuska, and and knocked him down. er, 136 shares; Mackay companies, E. English and A. Z. English, or tynu, Okishoma City, 58 shares, Geo. The conscious. . Bellamy, El Reno, 50 shares; Mrs. G. Bpears, Indianapolis, Ind., 50 nares; Henry Asp, Gutarie, 10 snares. astern Corporation Has Control,

To the question of whether any coreration had some control, the answer as that the American Telephone man elegraph company, or Boston has had entrol since February 27, 1904. se question as to wastuer the inntidual stockholders have the power to entrol a single buicke or alrector m o his appointment, the answer is that ney had not been note to so far.

The officers certify to an increase uring the year 180s in their combined asetts of \$725,035,65; increase total enstruction \$489,771.65; increase eal estate, \$215,073.26.

The company reports that it has exnanges in Oklahoma: Ada, Alva, tnadarko, Antiers, Arapano, Asher, Roka, Bartlesville, Bennington, Black vell, Bockito, Boxoshe, Bridgeport, oswell, Carmen, Cassion, Coment, nandler, Checotah, Chelsen, Cherokee Chickasha, Claremore, Cleveland, Clin-Contgate, Collinsville, Capron crowder City, Dewey, Durant, Edmond DE LINY, BA RONO BUILD, FL GIOSON, 1. Townsend, Garvin, Guthrie, Grant iaxkell, Henryct'a, Hobart, Hugo, ida-sel, kingston, Klefer, Konowa, aremm. Lawton, Lehigh, Madill, Mansville, darlow, Maud, Mediord, Miami, Mt. klahoma City, Okunigee, Pawnines. apulpa, Sayre, Snyder, Spiro, Shawce, stigler, Stalwater, Tahlequat, fishomingo, Tonkawa, Tupelo, Valli-Construction Work.

inhoma Uity exchange (not yet com- this afternoon.

new central office, additional equip-ment, cable, etc., corpleted July 25,

Extension and reconstruction of Tul-sa exchange, cable work, etc., \$18,-Rebuilding Chickasha exchange, improvements, \$32,298.85.

Extension of Muskogee exchanaditional cable facilities, \$23,563,97. Repairing of toll lines between Hu-go and Durant at cost of \$13,849.77. Additional equipment between Ok-lahoma City and Davia at cost of \$7.

The salaries of the officers of the ompany are given as toltows: E. D. Mims, president, \$7,500 a year; John M. Noble, vice president and general manager, 24,500; E. E. Westervelt, secretary and treasurer, \$3,750; Auditor Arthur Whorton, \$3,000. The average salar, of office heads of departments and local managers is \$50 per. ments and local managers is \$60 per

Foremen, linemen, inspectors, solici-tors and collectors, average a monthly

Traveling auditors, \$78.33 per menth. Average salary bookkeepers, clerks, nshiers, \$47.60. Operators, 744 in the state, \$23.10;

tenographers, \$50.

Doctor Charles F. Snow of Adamson

and Mr. J. C. Donaghe, of McAlester were visitors today at the state house o ask a pardon for Charles Adams who was sentenced to sixty days in juit for resisting an officer, the alieged offense being committed last Sep-tember. Governor Haskell referred the matter to the board of pardons.

kansas but sald the French spelling was about all the relationship existing

RAILWAY

ruken, Okla., Nov. 19.—Beaten Inc. esensibility, adth his scalp accepted dreek bone broken and other wound infileted, robbed of \$100 in money, hi watch and other valuables, and left French, agent for the Rock island David McKinsby, Ok.ahoma City, Railway company, is the victim of to shares; ex-diovernor A. J. Seay, bold robbery that occurred at 6.10

D. Milms, Oklabonia City. 274
Prench had goe out upon the depot bares; M. Dovelly, capolion, Ohio, platform to count some fruit trees. An os shares; G. W. Barnes, Muskogee, anknown man attacked him from bea5 shares; J. W. Coulter, Pawnuaka, regained his feet and started back to J. Reece and A. Mar- the depot when the man attacked him sall, of Shoam Springs, Arkansan, log again, knocking him down and into cares each; Jas. Faruee, Oktanoma insensibility and taiking his money and dy, 138 shares; W. H. Contes, Den valuables. At 7 o'cl-ck the night operator came to wilk and reaching the is Brondway, New York, 100 suares; plaiform abserved Preach staggs o're to his feet, bruised, bleeding and half

> The robber, French said during an interval of consciousness, weighs abou-190 pounds, was shabbily dressed and wore a slouch hat. It is believed ha escaped on a freight train which went west shortly after the robbery and of ficers fired several shots at a man answering the description who was on

That the Oklahoma Corporation ommission intends to carry out the full provisions of the Oklahoma constitution in regard to compelling all awnee, Perry, Pouca City, Pryor hire in this state to transmit each rock, Raiston, Roc, Lyon, Sailisaw, other's mesages without delay or distelephone companies conducted hire in this state to transmit each every aide. crimination and to make physical conrie, Stigler, Stalwater, Tablequan, nections for long distance purposes, as laid down in Section 6, of Article 1st, Vinita, Walters, Wapanucka, Wau 6, of the constitution, is evidenced of the constitution, is evidenced komis, Waurika, Weatherford, Webber by the issuance of orders by the Comcalls, Westville, Wewoks, and Yukon mission today granting the relief hange revenue, \$557.856.42; total rev. sy, in which the complainants asked caue from all sources, \$1,213,568.44. for physical connection, and a like me Ex- leads to ruin!" order for the People's Telepho The eight largest pieces of construc change Co., of Dune, asking for phystion work during the year are given ical connections with the Quanah-Mans follows:
Reconstruction and extension of Ok have been drafted and will be signed

Pleted) at cost of \$175,600.

The Complaint of the Grant County
Hugo exchange reconstruction and
additional equipment, cable, etc., \$19.

Secondification of Gethrie exchange.

The County
The Grant County
The Gent, the popular amusement ing to the Santa Fe callway According to Johnson, the change was made ing to Johnson, the change was made ing to Johnson, the change was made ing to Johnson, the change was made in the County of the C

FORGER GOES

PROMINENT CHICAGO REALTY DEALER DONS CONVICT'S GARB

CRIMINAL OPERATIONS NETTED OVER \$700,000

PETITION Amazing Story of Wrong-Doing **Extending Through Period** of 18 Years

(By Associated Press.) Chleago, Ill., Nov. 19.-Peter Van Vlisamgen, promment rent estate leafer and self-confessed forger to an imount more than seven hundred thouand dollars, was taken to the state prison at Joliet today. Fear that the lisgraced financier might attempt suicide was given as the reason for his removal from jail at an earlier late than had been expected. Writes of His Crimes.

What may be accepted as Van Vlissngen's own story of his life as a lorger was revealed yesterday when here was found manuscript containng the forger's comments on the life of Paul O. Stensland, who wreeked the Milwaukee Avenue State bank.

The article was written two years igo, and though it deals with the story of the banker-convict it seems clearly a personal introspection. He begins "It is not to be supposed that Paul

O. Stensiand deliberately resolved at some particular period of his lite to ie had gained. Such is not the history of the de

"His downfall begins with some apparently trivial irregularity, followed, infortunately for him, with no unleasant consequences." The convicted forger then cites one

f these "trivial freegularities." He ells of a trustee who has money in his charge and who draws a portion of t to meet the last payment on an investment, although having enough money of his own, but taking the other erson's for the sake of convenience. Cites Felon's Start.

"Surely you have done nothing to be ashumed of," he then asserts. "What ou have done is to make a little breach in the dekes that keen the ras ng ocean of dishonesty out of a man's

"Again you yield to the temptation and again you find it has done nobody any basm. Nobody, that is, except yourself, for you are on the downward path and stand in grave peril of beoming a defaulter and a felou."

He speaks of the defaulter in a cortor, his hopes of "squaring" himsel

"Choose he must between forgery or one hand and the total wreck of his ropes on the other," declares Van Vlissingen, and ther speaks of when the dish nest man adopts the alterna-tive of forgery. "Though racked with fearful misgivings, he still keeps up appearances," he says, "and looks his friends straight in the eye. But the time comes when the hope of restitution has receded further and further into the distance, and he is face to face with the naked conviction that he Must Flee or Serve.

Groping down to his bedrock character, he chooses whether to pass the remainder of his life as a fugitive from and serve out his justly earned emirse

"Considering the number of defalcations, great and small, which are dis-closed only when some carefully arranged business ventures go awry, one can not help wondering how many of his respected neighbors are being saved from disgrace by the success of their enterprises. If most men who use other people's money prosper in their speculations what gulfs of undetected dishonesty must yawn on

He finishes his disclosure with a paragraph which would not be badly timed coming from his lips today. He

BAYS "Have you ever used another man's money-innocently, you may say-but as you had no right to use it? remember how easy is the descent how hard the recovery, and that to re lax the stern rules of honesty by the breadth of a hair is to dally with the seductions of the primrose path that

have made the house popular, a brand new wrinkle will be suited. The new firm proposes to change the films every night, giving the amusement loving folk of Guthrie the very latest in the picture-moving husbness.

Mr. Baxter, who is retiring, has nalntained a high dignity at his little playhouse, and the word is given by the incoming management that not only will the high standard be maintained, but new features will be added that will give it a metropolitan awag-

ALBERT PIKE HAS GALA NIGHT

Albert Pike Lodge No. 60 A. F. & A. M., which has the largest membership of any of the Blue lodges in the Okla homa jurisdiction, held a special meeting last evening at Masonic temple. A number of preminent Masons from over the state were in attendance

Following the exemplification of the third degree by a picked team, a banquet was given, James Peck, senior warden of the lodge, presiding au-tonatmaster. Howard Thomas, of Muskogee, in a toast highly complimented the local lodge on the fine team work in mounting the third degree. Albert Pike lodge is one of the best in the Oklahoma jurisdiction. Dr. A'mont C. Hixon and L. W. Baxter, both past worshipful masters, made addresses

No Demand for Good Actresses.

(From the Tatler.) It is more than probable that the 'slump" in actresses of mark is due to the fact that the playhouse is being attended more and more by women As women are rarely very much in-terested in other women there, has seen less call for the real actrons

James Parnes, the employee of the armers Union Cotton Oil mill who the efficiency with which the events as seriously injured yesterday after of the past week have been conducted. icon by being caught in a shart, is convalescing nicely and Dr. Ralph Smith, the attending physician states hat he is sure how of a speedy re-overy if pneumonia does not set in.

tge, was at work in the seed house at the plant preparatory to putting a new set on the wheel when he slipped and fell on the rapidly revolving wheel. Fellow workmen heard his shoul. Fellow workmen heard his shouls and at once shut off the ma clease him from the machinery, faint Great Britan and other powers that ng shortly afterwards. The ambularce was called and Barnes was hurled to the Methodist Hospital where to operation was performed. The intestines were badly torn and his body disfigured. Until recently Barnes had seen employed at the Santa Fe freight cousin, M. L.Barnes, 1108 West Man-

DOUBTS POWER well represented in the new have alarmed the Mancau or tions, and Manchu influence are are thought to be in Jeopardy.

A committee of colored people conisting of Rev. W. H. Jernigan, of Ok-shoma City; Rev. T. Wessen, of Mus-togee: Rev. H. C. Caldwell, of Benge; passed by the legislature.

OF POWERS

PRINCE CHING APPEALS FOR SYMPATHY FOR CHINA'S RULERS

LETTERS SENT IN NAME OF INFANT EMPEROR

Emphasize Efficiency With Which Events of Past Week Have Been Conducted

(By Associated Press.) Peking, Nov. 19 .- Prince Ching. president of the board of foreign affairs, has forwarded direct to President Roosevelt letter in the name of Pu Yl, the infant emperor of Chine, setting forth the crists through which the throne has passed during the last week. Similar letters were sent to ill the powers friently to China. The communications make appeal-for sympathy for and understanding of the new rulers of Caina and emphasize

Nothing has developed in Peking to substantiate the reports that the em peror or the downger empress was poisoned. All the foreign legations agree that the emperor's death was us-Barners, who is twenty-one years of tural. Opinion varies, however, regard

hours and at once shut off the ma- between Prince Caun, the segent, and binery, but not until Barnes body and been taken for almost a dozen evolutions through space. Although terribly mangled and in intense pain, trarnes directed the workmen how to the space through the machinery, faint the support of the United States.

command respect at court. The new downer empress, Yeaonala, arranged that the meetings of the grand council be held in her private apartments. The councilors warned the princers that the regency was final depot. He resides at the home of his misinterpretation they expressed the opinion that any opposition thereto would be promptly met and punished. The police succeeded in putting a stop to the runs on the native banks in this city. The institution are now in the hards of the autocrities. Four-

teen of them have closed. The victory of the reform element and the fact that reform influences are well represented in the new regime have alarmed the Manchu organizations, and Manchu influence and power

RETURNS WITH RUNAWAY

James Jr., the 15-year-old son of Mr. tev. J. W. Jones, of Meeker; C. A. and Mrs. James E. Welch, of this tucharan and J. W Capers, of Guthrie city, who ran away from home Tuesdied a complaint with the Corporation day night, was located by Chief of parmission yesterday alleging that he railroad companies had failed to noon at Edmond. The boy did not ride provide smoking cars, toilet ro ma. Ining and sleoping cars for colored and walked the track as for me Educations in this state and that the mond. At Seward, where he stopped conches provided for the colored peo-de were oftentimes inadequate. The 'tronsers for a pair of long coults to conceal bis identity. Mr. Which went by asking Geo. A. Henshaw, counsel to Edmond last night after the box or the Commission, for an opinion as and returned with him on the morning to whether the Commission under the train. Mr. Welch is one of the foreconstitution has power to enforce the men with the Manhattan Construction provisions of the "Jim Crow" law company and superintended the croetion of the court house building here

FIRST ARREST FOR BLACKLISTING

Oklahoma City, Okla., Nov. 19 .- ["Katy" service, Johnson asked for a William E. Brown, division superin- service letter and was informed upon tendent of the Missouri, Kansas & receipt of the letter, that he had been Texas railway, was placed under arrest discharged, instead of having his resigresterday on a charge of blacklisting, nation accepted. This, according to and later released by Judge Sam J. hason, 'was entirely new to me be Hooker, after giving bond in the sum of \$2,000. His hearing is set for Jan uary 8, 1909, before Judge Hooker of thought surely it had been accepted.' the county court. Richard M. Johnson, so the approached Superintendent 1117 West Twenty-fourth street, former Brown about a letter. chief disputcher for the Missouri, stan- "I was auxious to learn wherein my sas & Texna railway, is the complaint services had proved unsatisfactory for ing witness: ing witness.

durge of blacklisting may be made reasons are for insuing such a letter. where a service letter is not given ac- When Brown was asked he refused to cording to law when demanded by an explain or change the letter as he

emgioye leaving the service.

The charges against Brown grew out of Johnson leaving the service of anything, is a reflection upon Johnson

Under the Oklahoma statutes the years, I do not know today what the

the "Kam" Railway company and go in case to should apply eladwhere and